

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

United States of America

v.

Balsia Brian BAKER

Case No. Case: 2:20-mj-30412

Assigned To : Unassigned

Assign. Date : 9/30/2020

USA v. SEALED MATTER (CMP(CMC))

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 11, 2020 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. 922(g)(1)

Felon in possession of a firearm

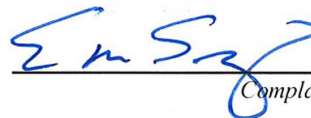
This criminal complaint is based on these facts:

See attached AFFIDAVIT.

☒ Continued on the attached sheet.Sworn to before me and signed in my presence  
and/or by reliable electronic means.

September 30, 2020

Date: \_\_\_\_\_

City and state: Detroit, Michigan*Complainant's signature*Eric M. Smigielski, Task Force Officer (ATF)*Printed name and title**Judge's signature*Hon. R. Steven Whalen, United States Magistrate Judge*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Eric M. Smigielski, being duly sworn, do hereby state  
the following:

**I. INTRODUCTION**

1. I am Detroit Police Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a Detroit Police Officer since September 2001, and assigned to the ATF since October 2016. I have been involved in numerous investigations and criminal prosecutions of firearms offenses.

2. The statements contained in this affidavit are based on my review of reports by Detroit Police Officers, information provided to me by and/or through other law enforcement agents, investigators, and individuals with knowledge of this matter.

3. This affidavit is intended to show that probable cause exists that Balsia Brian BAKER (DOB XX/XX/1990) has violated 18 U.S.C. § 922(g)(1), felon in possession of a firearm, and does not set forth all information known to law enforcement regarding this investigation.

## **II. PROBABLE CAUSE**

4. On September 11, 2020, at approximately 12:34 a.m., Detroit Police officers were on patrol in the area of 10601 East Outer Drive, Detroit, MI. While providing special attention to the gas station located at this address, the officers observed BAKER near the entrance door of the gas station. The officers then observed BAKER freeze and turn away from them while holding his front waistband. The officers also observed the tan grip of a handgun slightly protruding out of his right front waistband.

5. The officers exited their scout car, and observed BAKER make a stuffing motion near the front entrance. The officers then entered the gas station, and made contact with BAKER. At this point, the officers observed that there was no longer a visible tan grip of a handgun in his waistband. The officers then checked the area where they initially observed BAKER make the stuffing motion. They found a loaded Tan 9 mm handgun, CANIK, model TP9SF inside a trash can; the handgun contained eighteen live rounds in the magazine and one live round in the chamber. According to Detroit Police reports, BAKER

subsequently “made an excited utterance ‘that he was given the gun and that he was told run with it because it is not his.’”

6. A criminal history check was conducted on BAKER, which revealed that he had the following prior felony convictions:

- a. August 24, 2010-Weapons-Carrying Concealed, 3<sup>rd</sup> Circuit Court, Wayne County.
- b. November 22, 2011-Weapons-Carrying Concealed (Attempt), 3<sup>rd</sup> Circuit Court, Wayne County.
- c. July 02, 2015-felony Retail Fraud-First Degree, 3<sup>rd</sup> Circuit Court, Wayne County.
- d. November 30, 2018 - Felony Weapons-Firearms-Possession by Felon and Assault with a Dangerous Weapon, 3<sup>rd</sup> Circuit Court, Wayne County.

7. On September 16, 2020, Special Agent Nathan Triezenberg, an interstate nexus expert, advised me that based upon the verbal descriptions provided, without physically examining the firearm, the above-referenced firearm is a firearm as defined under 18 U.S.C. § 921, was manufactured outside of the state of Michigan after 1989, and therefore had traveled in and affected interstate commerce.

### III. CONCLUSION

8. Probable cause exists that Balsia Brian BAKER, a convicted felon, was in possession of the above described firearm, said firearm having traveled in interstate commerce, in violation of Title 18 U.S.C. § 922(g)(1).



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Eric M. Smigtelski  
Task Force Officer, ATF

Sworn to before me and signed in my presence and/or by reliable electronic means.



September 30, 2020

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HON. R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE